IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 1169 of 2006
Date of decision: December 11, 2006.

Jaswant Rai

...**Petitioner(s)**

v.

Shri K.K. Bhatnagar & Anr.

...**Respondent(s)**

Present: Shri D.S. Patwalia, Advocate for the Petitioner.

Shri G.S. Cheema, Sr. Dy. Advocate General, Punjab.

Surya Kant, J. (Oral)

The petitioner was one of the appellants in LPA No.1110 of 1996 which was allowed by a Division Bench of this Court vide judgment dated February 22, 2006 with a direction to appoint him on the post of Naib Tehsildar forthwith. The Bench further directed that the appointment of the petitioner shall relate back to the appointment of other candidates but the petitioner as well as his co-appellants would be kept at the bottom in the list of Naib Tehsildar for that year.

Alleging non-compliance of the above stated order, this contempt petition has been filed, in which, on September 8, 2006, Learned State Counsel was asked to get instructions.

Pursuant thereto, Mr. G.S. Cheema, learned Sr. Dy. AG, Punjab, has filed an affidavit of K.K. Bhatnagar, Financial Commissioner Revenue and Principal Secretary to Govt. of Punjab, Department of Revenue, which is taken on record. As per the averments made in the affidavit and the orders appended thereto, the petitioner as well as some of his co-appellants have been appointed vide orders dated 30.11.2006 (Annexures R1/II to R1/IV).

Learned Counsel for the petitioner, however, contends that in the aforementioned order, though the petitioner's seniority from the year 1991 has been accepted, however, it is stipulated that the orders in this

regard shall be issued separately.

After hearing Learned Counsel for the parties and having regard to the fact that in the orders dated 30.11.2006 it has been accepted by the respondents that the petitioner is entitled for seniority from the year 1991, even in the absence of any separate formal orders and having regard to the directions issued by the LPA Bench, there is no exception but to treat the petitioner to be an appointee of the year 1991.

Learned Counsel for the petitioner further points out that despite the appointment letter dated 30.11.2006, the petitioner as well as his colleagues have not been permitted to join their duties.

If that is so, the Financial Commissioner (Revenue)-cum-Principal Secretary to Govt. Punjab, Revenue Department is directed to allow the petitioner and his co-appellants to join their duties forthwith and not later than 15th December, 2006.

Disposed of.

December 11, 2006. [**Surya Kant**]
kadyan **Judge**